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6 Attorneys for Plaintiff, SCOTT KOLLER

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SCOTT KOLLER, an individual, on behalf
11 of himself, the general public and those
12 similarly situated,

13 Plaintiff,

14 v.

15 DEOLEO USA, INC.; and MED FOODS,
16 INC.,

17 Defendants.

CASE NO. 3:14-cv-02400-RS

STIPULATION REGARDING DISTRIBUTION
OF ATTORNEYS' FEES AND COSTS FROM
SETTLEMENT FUND; ORDER

1 WHEREAS, on August 29, 2018, the Court issued an Order Granting Final Approval of
2 Settlement and Judgment (“Order”) in which it ordered, inter alia, that attorneys’ fees and costs in
3 the total amount of \$2,250,319.73 (“Attorney Award”) be paid from the Settlement Fund to Class
4 Counsel and stated that “Such amounts shall be paid according to the terms of the Settlement
5 Agreement”;

6 WHEREAS, pursuant to section 3.1 of the Settlement Agreement, the \$7 million
7 Settlement Fund has been maintained since its inception in an interest-bearing account;

8 WHEREAS, pursuant to section 6.4 of the Settlement Agreement, Class Counsel had the
9 right to receive payment of the Attorney Award within seven days of the Order upon providing
10 certain documentation to the Claim Administrator, as well as the obligation, in the event of
11 reversal of the Order, to repay the Attorney Award to the Settlement Fund plus interest that would
12 have been earned on the Attorney Award had it not been withdrawn from the Settlement Fund;

13 WHEREAS, Class Counsel elected not to withdraw the Attorney Award while appeals
14 from the Order were pending;

15 WHEREAS, the mandate of the Court of Appeals dismissing all appeals became effective
16 March 8, 2019;

17 WHEREAS, the \$7 million principal deposited into the Settlement Fund had as of
18 March 5, 2019, earned approximately \$60,226.54 in interest; and

19 WHEREAS, the Attorney Award represents 32.15% of total principal value of the
20 Settlement Fund, so 32.15% of the earned interest is properly attributable to the amount of the
21 Attorney Award;

22 NOW THEREFORE, the Parties agree that in addition to the Attorney Award, the Claim
23 Administrator should pay Class Counsel 32.15% of the interest earned by the Settlement Fund
24 through the date upon which the Claim Administrator pays the Attorney Award to Class Counsel,
25 and that all remaining interest shall be distributed to Class Members and Court-approved cy pres
26 recipients pursuant to the terms of the Settlement Agreement.

STIPULATED AND AGREED:

Dated: March 13, 2019

/s/ Kristen G. Simplicio

Adam J. Gutride

Seth A. Safier

Kristen G. Simplicio

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Attorneys for Plaintiff

Dated: March 13, 2019

/s/ Jeffrey Margulies

Jeffrey Margulies

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Attorneys for Defendant

Deoleo USA, Inc.

GOOD CAUSE APPEARING THEREFOR, IT IS SO ORDERED.

DATED: 3/14/19



THE HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE